

L. If a sign has not been erected within the delay provided by the subject permit, the permit may be voided by the Louisiana Department of Highways and the applicant or permittee so notified. On the day following the posting of notice to any such applicant or permittee of the voiding of the permit to the last known address as furnished by the applicant, the subject sign location shall be available to any other applicant.

M. If a sign has been erected within the delays allowed by the permit, but the subject sign does not conform to the specifications of the permit, the Louisiana Department of Transportation and Development shall notify the applicant or permittee in writing to cause the sign to conform to the permit. The applicant or permittee shall have 30 days to cause the sign to conform to the permit. The time delay begins on the day following the posting of written notice to said applicant or permittee at the last known address as furnished by the applicant or permittee. Extensions of time within which the applicant or permittee may bring the sign into legal conformity may be granted by the department when the department determines that good cause has been demonstrated. The department will void any permit when the permittee fails to conform the sign within the time delay or extensions provided. Thereafter the sign must be removed at the sign owner's expense. The sign owner may prevent such removal only by securing a new permit for the subject sign, which did not conform to the previous permit. A new permit may be obtained upon appropriate application including payment of all fees in connection therewith. Nevertheless, once a permit has been voided the sign location is available to any applicant.

N. If a sign is erected without first obtaining a permit from the department and the department notifies the owner that the sign is illegal, the owner of the sign will have a period of 30 days from the date of receipt of the department's letter to bring the sign into legal compliance and make proper application for the permit. Extensions of time within which the applicant or permittee may bring the sign into conformity may be granted by the department when the department determines that good cause has been demonstrated.

O. When a permitted outdoor advertising sign or device is knocked down or destroyed, or modified, the sign or device cannot be reinstalled or rebuilt without first obtaining a new outdoor advertising permit pursuant to the procedures established in this part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 48:461 et seq.

HISTORICAL NOTE: Promulgated by the Department of Transportation and Development, Office of Highways, LR 2:191 (June 1976), amended by the Department of Transportation, Office of Highways/Engineering, LR 29:2856 (December 2003), LR 31:945 (April 2005), amended LR 33:532 (March 2007).

Cedric Grant
Deputy Secretary

0703#039

RULE

Department of Transportation and Development Office of Highways/Engineering

Traffic Impact Policy for New Access Requests (LAC 70:I.1101)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a Rule entitled "Traffic Impact Policy for New Access Requests", in accordance with R.S. 32:2 and R.S. 48:344 et seq.

Title 70

TRANSPORTATION

Part I. Highway Construction

Chapter 11. Traffic Impact Policy for New Access Requests Affecting Traffic on State Highways

§1101. Traffic Impact

A. Purpose

1. The Louisiana Department of Transportation and Development (LADOTD) has a responsibility to design, operate and maintain highway facilities that are reasonably safe and efficient for prudent drivers using the highway system. At the same time DOTD must allow all property owners reasonable access to the highway system.

2. In an effort to balance these often conflicting needs, this Section was developed to ensure that new or expansion of existing developments generating significant traffic on state highways are evaluated in a consistent manner by using objective data to facilitate decision-making.

3. The department shall review the effectiveness, applicability and efficiency of this rule annually. Changes to this Section shall be promulgated as applicable. Recommendations for change shall be forwarded to the DOTD traffic impact engineer.

B. Applicability

1. This Section applies to new or expanding developments, typically generating 100 hourly trips in the peak direction on state highways.

2. This Section also applies to developments on local public or private streets, with an access point within 0.25 of a mile of a state highway.

3. These developments include, but are not limited to:

- a. new businesses;
- b. new subdivisions;
- c. new apartment complexes;
- d. additions to existing subdivisions;
- e. additions to existing apartment complexes;
- f. new streets and/or traffic control devices;
- g. new schools;
- h. minor developments in traffic networks that are already congested;
- i. hospitals; and
- j. large commercial or industrial complexes.

4. Additional requirements (such as analysis of nearby major intersections as determined by DOTD) may be necessary for large commercial centers and regional shopping malls.

5. This Section, in certain situations, may apply to new, smaller developments located on congested highway corridors, as determined by the district traffic operations engineer. Congested highways are discussed in the traffic impact policy referenced in Paragraph E.1.

6. The district traffic operations engineer may, in his discretion, waive the requirement for a traffic impact study for developments marginally meeting minimum traffic thresholds.

C. This Section does not apply to the following:

1. access to interstate and other controlled-access facilities;

2. individuals requesting single-family residential access; or

3. access to local public and private streets for developments which are greater than 0.25 of a mile from the state system.

D. Pre-Application Procedure

1. Prior to any permit requests, land developers shall meet with the DOTD district traffic operations engineer and the district permit specialist for a pre-application meeting during preliminary site planning for the development. The purpose of this meeting is to discuss the proposed development and determine if a traffic impact study is warranted.

2. The developer shall be notified within seven calendar days after the pre-application meeting whether or not a traffic impact study is required. The decision will be based on the preliminary site plan layout and anticipated additional traffic.

3. The DOTD will coordinate with the appropriate local authorities for developments not abutting the state highway system.

E. Traffic Impact Study

1. When a traffic impact study is required by DOTD, it shall be prepared and sealed by a professional engineer licensed by LAPELS, before an application for access is submitted. The study will include all information as outlined in the DOTD traffic impact policy, a detailed guidance document which includes forms, roadway classification, traffic volume criteria and mitigation strategies. This document may be obtained from the district office, or the department's website, or from DOTD headquarters in the office of the traffic impacts engineer. The purpose of the traffic impact study is to:

a. determine existing traffic conditions on the network surrounding the proposed development;

b. estimate the traffic likely to be generated by the proposed development which is within the sole purview of the Department of Transportation and Development;

c. assess the impact of additional traffic on the existing and future road network system at full build out and the anticipated construction phasing; and

d. identify effective roadway improvements and/or changes in the site plan of the proposed development that will minimize impact to the state highway system.

F. Responsibilities of the Developer

1. The developer is responsible for mitigating traffic caused by the development.

2. All road improvements constructed by the developer shall comply with the latest DOTD standards and specifications.

G. Letters of Compliance

1. No permit applications will be accepted until DOTD provides the developer with a letter of compliance indicating the approval of the traffic impact study and the traffic mitigation required.

2. The letter shall be attached to any permit application.

H. Traffic Mitigation

1. Traffic Mitigation is a roadway improvement or improvements designed to minimize congestion and improve the safety of the highway system.

2. The required mitigation shall be constructed prior to completion of the new development.

3. Types of mitigation include, but are not limited to:

- a. turn lanes;
- b. traffic signal upgrades;
- c. traffic control devices;
- d. signal phasing/timing/interconnect;
- e. raised medians;
- f. roadway widening;
- g. restricted turning movements;
- h. right-of-way donation; and
- i. roadway resurfacing.

I. Approval Process

1. The office of the DOTD district traffic operations engineer and the DOTD Headquarters (HQ) traffic impact engineer, if requested for a joint review, will review the traffic impact study. The department shall take one of the following actions.

a. Approve the traffic impact study submitted by the developer and recommend mitigation to minimize traffic impacts. The DOTD HQ traffic impact engineer will provide the developer with a letter of compliance to indicate approved traffic impact study and mitigation. The developer may apply for access, driveway, project, or traffic signal permits.

b. Recommend alternative mitigation procedures to minimize traffic impacts.

c. Deny the traffic impact study and/or the recommended mitigation. If it is denied, no further reviews will be made. The developer may request a new review based on revisions to the traffic impact study and recommended mitigation for the proposed development, or the developer may appeal the decision.

J. First Level Appeals Process

1. Following are provisions for a first level appeal of the traffic impact review process for developers which disagree with the DOTD decision on traffic mitigation.

2. The traffic impact review committee shall be composed of representatives of the following divisions within the DOTD. Each member may appoint a substitute if he or she is unable to attend a meeting:

a. maintenance (access management engineer or his designee) (nonvoting);

- b. legal;
- c. traffic engineering (two or more personnel/designees); and
- d. district traffic operations engineer or his designee from the particular district in which the development is located (nonvoting).

3. The traffic impact review committee, pursuant to a majority vote, may arbitrate and resolve disputes which arise during the review process and grant or deny relief to appealing parties.

4. The appealing party must bring his/her complaint before the traffic impact review committee no later than 30 calendar days after notification of the decision of DOTD.

5. Upon receipt of the appeal, the traffic impact review committee will schedule a meeting to review the appeal. The meeting will be scheduled not earlier than 14 calendar days and not more than 39 calendar days after receipt of the appeal. The traffic impact review committee shall give due notice of the meeting time and place to those filing the appeal and shall render a decision on its action within 14 calendar days of its meeting. The maintenance division shall also be notified of the pending requirements for permit purposes.

6. The party appealing the decision shall submit the written reason for the appeal, together with any supporting documents deemed applicable by the developer, to the Department of Transportation and Development, Traffic Engineering Development Section, 1201 Capitol Access Road, Baton Rouge, LA 70802. Such submittal must be received at least 14 calendar days before the Traffic Impact Review Committee meeting.

7. The submittal will be checked by the department within 14 calendar days of its receipt. If the information deemed necessary for a proper review is not complete, the appealing party will be notified and the appeal will then be postponed at least one month.

8. The party submitting the appeal may appear before the traffic impact review committee to offer a brief explanation of the complaint.

9. Failure to submit an appeal in a timely manner shall constitute a denial of the traffic impact appeal.

K. Second Level Appeals Process

1. Should the appeal of the developer be rejected by the traffic impact review committee, the developer may appeal the decision in writing within 30 calendar days from receipt of the initial decision to the Department of Transportation and Development, Attn: Deputy Secretary, 1201 Capitol Access Road, Baton Rouge, LA 70802.

2. The second traffic impact review committee shall be composed of the following:

- a. the chief engineer or his designee;
- b. the deputy secretary or his designee; and
- c. the general counsel or his designee.

3. A decision will be based upon a majority vote and shall be made within 14 calendar days from the date that the appeal was received. It shall be served on the appealing party by registered or certified mail.

4. The second level appeal shall include any correspondence from the first level traffic impact review committee.

L. Third Level Appeals Process—the Secretary

1. The secretary or his designee shall have the authority to review any appeal by an aggrieved party from a determination pursuant to the foregoing appeals processes.

2. Such review may be made pursuant to an appeal filed by the developer within 30 calendar days from his receipt of the second level decision or it may be made on the secretary's own motion.

3. A decision shall be made within 14 calendar days from the day that the appeal was received and shall be served on the appealing party by registered or certified mail.

4. This appeal shall include any correspondence from the first and second level traffic impact review committees.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:2, and R.S. 48:344 et seq.

HISTORICAL NOTE: Promulgated by the Louisiana Department of Transportation and Development, Office of Highways/Engineering, LR 33:533 (March 2007).

Cedric S. Grant
Deputy Secretary

0703#041

RULE

Department of Transportation and Development Office of Public Works

Hurricane Flood Control Protection Program (LAC 56:III.901)

In accordance with the applicable provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Transportation and Development hereby promulgates a Rule entitled "Hurricane Flood Control Protection Program Rules", in accordance with the provisions of R.S. 38:241-248.

Title 56

PUBLIC WORKS

Part III. Flood Control and Water Control

Subpart 1. Water Resources and Flood Control

Chapter 9. Hurricane Flood Control Protection Program Rules

§901. Framework for Receipt and Evaluations of Funding Applications

A. Applications are to be prepared in accordance with the provisions of R.S. 38:244.

B. Applications may be submitted beginning November 1, 2006, to Hurricane Flood Protection Program, 8900 Jimmy Wedell Drive, Baton Rouge, LA 70807.

C. The Office of Public Works, Hurricane Flood Protection and Intermodal Transportation shall evaluate the applications in accordance with the provisions of R.S. 38:244 with points established as follows.

- 1. Documentation of flood problem—20 points maximum
- 2. Local support—5 points maximum
- 3. Technical feasibility—45 points maximum
- 4. Prevention of loss of life and improved public safety—5 points maximum